

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

**CALVIN McCRAW,  
G. WAYNE MARSHALL,  
MARK FAULK,  
TRISTA WILSON,  
NEAL SCHINDLER,  
OKLAHOMA LIBERTARIAN PARTY,  
RED DIRT REPORT,**

Plaintiffs,

-vs-

**CITY OF OKLAHOMA CITY**, an Oklahoma  
municipal corporation;  
**WILLIAM CITY**, in his official capacity as  
CHIEF OF THE OKLAHOMA CITY POLICE  
DEPARTMENT,

Defendants.

**CASE NO. CIV-16-0352-HE**

**EXHIBIT 1  
TO PLAINTIFFS' BILL OF COSTS  
(ITEMIZED LIST OF COSTS)**

The following are itemized as part of Plaintiffs' Bill of Costs pursuant to 20  
U.S.C. §1920:

**I. FEES OF THE CLERK:**

1. Filing Fee - Complaint (04/13/2016)  
(See Docket - Receipt - Doc. 003)

\$400.00

2. Filing Fee - Notice of Appeal (01/29/2019)  
(See Docket - Receipt - Doc. 185) (Docket  
indicates \$505.00) (Fed.R.App.P. 39(e)(4))  
\$505.00

**SUBTOTAL \$905.00**

**II. FEES FOR SERVICE OF SUMMONS AND SUBPOENA:**

None.

**SUBTOTAL \$0.00**

**III. FEES FOR PRINTED OR ELECTRONICALLY RECORDED  
TRANSCRIPTS NECESSARILY OBTAINED FOR USE IN THE CASE:**

Trial Transcript used on Appeal (3/11/2019)  
(Emily Eakle, United States Reporter)  
(Doc. 187)(Fed.R.App.P. 39(e)(2)) (Ex. 01)  
\$1,565.85

Depositions of Witness:

Deposition of Stuart Chai (Original and one copy)  
Professional Reporters: Used in filings (Doc. 98,  
111, 113, 116); Submitted as testimony at trial  
(Doc. 146) (Ex. 02)  
\$752.99

Deposition of Brian Fowler (Original and one copy)  
Professional Reporters: Used in used in filings (Doc.  
98, 102, 110, 111, 112, 113); Testified at trial.  
(Doc. 167) (Ex. 03).  
\$1,282.45

Deposition of Ken Morris (Original and one copy)  
Professional Reporters: Used in filings (Doc. 98,  
104, 110, 111, 112, 113, 116); Submitted as  
testimony at trial (Doc. 146) (Ex. 04)

\$1,199.75

Deposition of Mark Faulk (Certified Copy)  
Professional Reporters: Used in filings (Doc. 98,  
111); Testified at trial. (Doc. 167) (Ex. 05)

\$363.41

Deposition of Trista Wilson (Certified Copy)  
Professional Reporters: Submitted as  
testimony at trial (Doc. 146) (Ex. 05)

\$385.04

Deposition of Calvin McCraw (Certified Copy)  
Professional Reporters: Submitted as  
testimony at trial (Doc. 146) (Ex. 06)

\$519.75

Deposition of Neal Schindler (Certified Copy)  
Professional Reporters: Used in filings;  
Submitted as testimony at trial (Doc. 146)  
(Ex. 06)

\$377.96

Deposition of Tina Kelley (Certified Copy-Volume I)  
Professional Reporters: Used in filings;  
Testified at trial. (Doc. 167) (Ex. 07)

\$332.39

Deposition of Tina Kelley (Certified Copy-Volume II)  
Professional Reporters: Used in filings;  
Testified at trial. (Doc. 167) (Ex. 08)

\$136.85

Deposition of George Marshall (Certified Copy)  
Professional Reporters: Submitted as  
testimony at trial (Doc. 146) (Ex. 07)

\$500.53

Transcripts of City Council Meetings admitted  
into evidence at Trial (Exs. 36, 37, 38, 39, 40)  
(Doc. 165, p. 7) Professional Reporters:  
Submitted as Exhibit evidence at trial. (Ex. 09)

\$393.90

**SUBTOTAL**

**\$7,810.87**

**IV. FEES AND DISBURSEMENTS FOR PRINTING:**

None.

**SUBTOTAL**

**\$0.00**

**V. FEES FOR WITNESSES (ITEMIZATION ON PAGE TWO OF BILL OF COSTS):**

None.

**SUBTOTAL**

**\$0.00**

**VI. FEES FOR EXEMPLIFICATION AND THE COSTS OF MAKING COPIES OF ANY MATERIALS WHERE THE COPIES ARE NECESSARILY OBTAINED FOR USE IN THE CASE:**

A. Photocopy of Exhibits Used at Trial (Fee for Costs based upon 10<sup>th</sup> Cir. Rule 39.1)

(Each Exhibit Book - 564 color pages and 21 BW pages)

3384 color copies (564 pages - 6 copies)  
@ 20 cents per page

\$676.80

126 BW copies (21 pages - 6 copies)  
@ 20 cents per page

\$25.20

This entry reflects the expense of photocopy of documents used at the trial and placed in a three ring binders. The cost of the ring binders, covers, and tabs are not separately itemized or included in these costs.

There is no separate receipt for this expense since these copies were produced inhouse.

**B. Courtesy Copies for Court<sup>1</sup>**

Although courtesy copies were provided for several filing that qualified for courtesy copies, they are not included with these costs.

\$0.00

The expense for these courtesy copies do not include the cost of binders, covers, and tabs which were a separate expense, but are not included in the costs above.

**SUBTOTAL \$702.00**

**VII DOCKET FEES UNDER 28 U.S.C. 1923:**

None paid.

**SUBTOTAL \$0.00**

**VIII. COSTS AS SHOWN ON MANDATE OF COURT OF APPEALS:**

1. Costs taxed on Appeal. See Docket (10/08/2020)  
(Supplement to Mandate - Doc. 199)

\$1,204.00

**SUBTOTAL \$1,204.00**

**IX. COMPENSATION OF COURT-APPOINTED EXPERTS:**

None.

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<sup>1</sup> See WD Oklahoma ECF Policies & Procedures Manual, § II(A)(5) Oversized Documents, See p. 11-12, Parties are required to provide courtesy copies of any filed document which exceed 40 pages.

**SUBTOTAL** **\$0.00**

**X. COMPENSATION OF INTERPRETERS AND COSTS OF SPECIAL  
INTERPRETATION SERVICES UNDER 28 U.S.C. 1828:**

None.

**SUBTOTAL** **\$0.00**

**XI. OTHER COSTS (PLEASE ITEMIZE):**

None.

**SUBTOTAL** **\$0.00**

**TOTAL** **\$10,621.87**

**Reservation That Denied Costs be Treated as Expenses**

To the extent this Court determines that any of the listed expenses are non-taxable as costs, Plaintiffs respectfully request that such non-taxable expenses be awarded as litigation expenses taxed as attorney fees pursuant to 42 U.S.C. § 1988(b). See *Brown v. Gray*, 227 F.3d 1278, 1297-98 (10<sup>th</sup> Cir. 2000) (Remand to consider expenses denied as costs included as attorney fees under §1988 instructing that “the court on remand should determine specifically whether such expenses are normally billed to a private client in the local area and, if so, evaluate the reasonableness of the amount.”); see also *Bee v. Greaves*, 910 F.2d 686, 690 (10<sup>th</sup> Cir. 1990) (“Although Bee listed these expenses as costs rather than attorney’s

fees, his categorization of the items is not dispositive of their recoverability”)..

Respectfully submitted,

Signature of Counsel

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(Plaintiffs McCraw and Marshall Only)

**Attorneys for Plaintiffs**

**CERTIFICATE OF ELECTRONIC SERVICE**

I certify that, on the day of filing, the foregoing document was electronically transmitted through this Court's ECF filing system to all counsel who have entered an appearance in this case and registered to receive ECF notification via electronic mail.



Micheal Salem  
Attorney for Plaintiffs